

REMARKS

Claims 1, 3-7, 10-16, 18-22 and 24-42 are pending in the instant application. At the outset, Applicant gratefully acknowledges the indication of allowable subject matter in Claims 4, 10, 11, 13 and 14. In the Office Action mailed 17 October, 2002, Claims 1-3, 5, 6, 8, 9, 12 and 15-42 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Pat. No. 6,344,883-B2 to Yamada, et al. (hereinafter, "Yamada") taken alone. Claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly obvious over Yamada in view of U.S. Pat. No. 4,938,569 to Tsunoda, et al. (hereinafter, "Tsunoda"). Applicant respectfully reasserts and realleges reasons in support of patentability filed 17 January 2003 with the proposed amendment after final, which amendment should be entered according to the concurrently filed RCE.

On the point of Claims 1, 5, and 34, the Advisory Action mailed 07 February 2003 avers that the spacers (135) of Yamada in conjunction with the overlying orientation film (134b) reads on both "spacer having a diameter varying along its axis", and "spacer having a side surface that is slanted or inclined". This argument improperly conflates the two elements of the orientation film and the columnar spacer. It also fails to address the claims in which the spacer is located on, not under, the orientation layer.


With respect to Claim 42, the recited feature "at least one columnar spacer" is clearly not met by the prior art Figs. 31 and 32 of Yamada. As shown in Fig. 31, the spacer (523) is "band-shaped", or planar, and traverses not just one but several pixels across their entire face. The spacer (523) is not columnar in any sense or the word. Moreover, the embodiment of Figs. 31 and 32 is conceptually different from the present

invention. As shown, the pixel is divided into two regions of differently oriented domains. No such division is present or necessary according to the present invention.

However, in the interest of advancing prosecution, the above amendment inserts the feature "at least one columnar spacer disposed approximately at a center of a pixel" which was denied entry to Claims 18 and 25 into independent claims 1, 5, 34 and 42. No new matter has been added by these amendments. As presently amended, this feature of the claims, neither taught nor suggested by Yamada taken alone or in any combination, is now present in each independent claim. Therefore, these claims are respectfully submitted as further patentably distinguished over the prior art. Dependent claims 3, 4, 6, 7, 10-16, 19-22, 24, 26-33 and 35-41 are submitted as patentable for at least the same reasons as their respective independent claims.

In light of the foregoing, Applicant respectfully submits that all claims define patentable subject matter, and kindly solicits and early indication of allowability. If the Examiner has any reservation in allowing the claims, and believes that a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully submitted,



Paul J. Esatto, Jr.
Registration No. 30,749

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343
PJE/DJT:eg